

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RAMON A. BELLIARD, *individually and on behalf*  
*of others similarly situated*,

Plaintiff,

-against-

VADIM TARNOVSKY, and OLYA  
PLOTNIKOVA,

Defendants.  
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MEMORANDUM DECISION  
AND ORDER

20 Civ. 1055 (GBD) (KHP)

GEORGE B. DANIELS, United States District Judge:

Plaintiff Ramon A. Belliard brought this action against Defendants Vadim Tarnovsky and Olya Plotnikova seeking unpaid wages under the New York Labor Law §§ 190 *et seq.* and 650 *et seq.* and the Fair Labor Standards Act, 29 U.S.C. §§ 203(d) *et seq.* On October 17, 2022, this Court awarded Plaintiff a default judgment against both Defendants, (ECF No. 32), and referred the matter to Magistrate Judge Katherine H. Parker for an inquest on damages, attorneys' fees, costs, and interest, (ECF No. 33).

Before this Court is Magistrate Judge Parker's March 6, 2023 Report and Recommendation (the "Report"), recommending that this Court award Plaintiff \$8,305.84 for unpaid overtime compensation and pre-judgment interest at the rate of 9%, \$8,305.84 in liquidated damages, \$5,480 in attorneys' fees, \$400 in costs, and post-judgment interest. (Report, ECF No. 42, at 17.) Magistrate Judge Parker also recommended that this Court deny Plaintiff's request for statutory damages for Plaintiff's failure to properly plead standing with respect to his claims under New York's Wage Theft Prevention Act and New York Labor Law § 195. (*Id.* at 10–12.) Magistrate Judge Parker advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.* at 18.) No objections were filed.

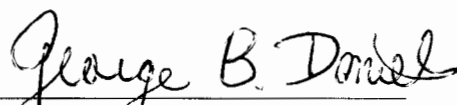
A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a magistrate judge’s report. 28 U.S.C. § 636(b)(1)(C). Those portions of a magistrate judge’s report to which no objections are made are reviewed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). “In clear error review, a court should reverse a finding only if it is ‘left with the definite and firm conviction that a mistake has been committed,’ and not merely if it ‘would have decided the case differently.’” *Hernandez v. City of New York*, No. 11 Civ. 6644 (KPF) (DF), 2015 WL 321830, at \*2 (S.D.N.Y. Jan. 23, 2015) (quoting *Easley v. Cromartie*, 532 U.S. 234, 242 (2001)).

Magistrate Judge Parker conducted a comprehensive and careful inquest. This Court finds no error, clear or otherwise, in the Report’s analysis. Accordingly, Magistrate Judge Parker’s recommended judgment regarding damages, interest, attorneys’ fees, and costs is ADOPTED in full for the reasons stated in the Report. Final judgment shall be entered ordering Defendants to pay Plaintiff: (1) \$8,305.84 for unpaid overtime compensation and pre-judgment interest at the rate of 9% on this amount; (2) \$8,305.84 in liquidated damages; (3) \$5,480 in attorneys’ fees; (4) \$400 in costs; and (5) post-judgment interest, to be calculated from the date the Clerk of Court enters judgment in this action until the date of payment, using the federal rate set forth in 28 U.S.C. § 1961.

The Clerk of Court is directed to enter judgment and close this action.

Dated: May 8, 2023  
New York, New York

SO ORDERED.

  
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GEORGE B. DANIELS  
United States District Judge